

REMARKS

Claims 1-11 remain pending in this application and are rejected. Claims 1-4, 6-9, and 11 are amended herein to clarify the invention.

TITLE OBJECTION

The title, "BATTERY PACK" is objected to in the Office Action as being nondescriptive. The title is amended to read "BATTERY PACK WITH RESIN INTEGRATED SUBSTRATE AND VENT" to overcome this objection. It is respectfully submitted that the amended title is sufficiently descriptive. Applicant respectfully requests that the objection to the title be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-11 are rejected as obvious under 35 U.S.C. §103(a) over the Sullivan reference in view of the JP 2002-134077 reference cited in the background section of the specification. The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that a *prima facie* case of obviousness is not established in rejection of claims 1-11 as examined or as amended. "To establish

a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

In the rejection, the Sullivan reference is merely cited for teaching a diaphragm type pressure relief valve. However, the device of the Sullivan reference is drastically different from the present invention in configuration. The Sullivan reference provides no teaching of substrate having terminals and disposed relative a sealing plate as recited in claim 1. Furthermore, no suggestion is made of applying a resin molding in anyway to an area of the relieve valve.

In view of the deficiencies of the Sullivan reference the Examiner cites the '077 reference for teaching a molding "filling a gap of the casing to reinforce the structure of the battery casing." Based upon this observation, which in no way addresses providing a resin molding between the sealing plate and the substrate as

claimed or a relief vent structure, the Examiner concludes it would be obvious "to have filled the spacing around the vent structure with resin to increase the rigidity of the casing integrity (sic) since the pressure built-up within the battery is very potent and deadly to the user."

Applicants initially note that the Examiner appears to have not considered that claim 1, both as considered and amended, includes having the resin molding filling the gap between the substrate and the sealing plate. The '077 reference attaches the substrate 9 over the sealing plate (surface having terminal 25) with separator 12 therebetween and molds resin around the outside of the assembly as a whole but not between the substrate and the sealing plate. Accordingly, there is no suggestion or motivation in the art to provide the resin molding between the substrate surface and the sealing plate.

Applicants further note that claim 1 recites that the resin molding bonds to the substrate surface and the sealing plate and also to the components on the sealing plate. As shown in Fig. 2 of the '077 reference, the substrate 9 lies flush with the top of the casing 12 prior to molding hence the resin does not extend between the sealing plate on which terminal 25 is provided (see Fig. 1) and the opposing substrate surface. Much less is there any suggestion that bonding of the resin to components of the substrate surface occurs.

Still further, the Examiner's reason for motivation regarding the strengthening required for pressure build-up which is "potent and deadly" lacks basis since inclusion of a pressure relief valve prevents such build-up in the first place obviating any need for resisting the "potent" pressure build-up. Likewise, the art does not teach this motivation.

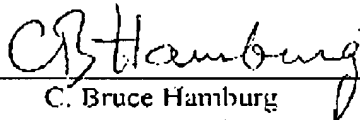
Since the cited references do not teach a resin that is molded in an area of a safety vent it is axiomatic that the references do not provide the teachings of the subject matter of the configuration of claims 3, 4, 6, 7, 8 in relation to the molding resin and the sealing plate. Indeed, the Examiner has not addressed the resin molding providing an opening to the outside of the battery, the porous material, the sheet member and its covering of the vent opening, or the formation of a sheet member of porous material. Still further, the rejection does not address the claimed sealing plug of claim 10 or the sealing plug configuration recited in claim 11. Hence, a *prima facie* case of obvious is not established with respect to these aspects of the invention.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited reference(s) for the reasons stated above. Reconsideration of the rejections of the claims and their allowance are respectfully requested.

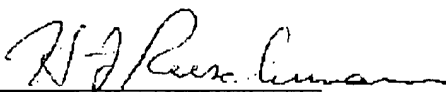
If there are fees due the USPTO is hereby authorized to charge any fee(s) to
Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

by and,

By 
Herbert F. Ruschmann
Reg. No. 35,341
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340